**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**Writ Petition No.243 of 2007**

**Date: 3rd January, 2007**

Between :-

P.Sudhir Kumar and another ..

Petitioners

And

The Commissioner,
Municipal Corporation of Visakhapatnam,
Visakhapatnam ..
Respondent

**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**Writ Petition No.243 of 2007**

**ORDER:-**

The matter is coming up for *admission.*

2. Sri Ranga Reddy, the learned standing Counsel takes notice on behalf of the respondent.

3. Heard Sri Raja Gopallavan Tayi, the learned Counsel representing the Writ Petitioners.

4. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent, his sub-ordinates, agents, officials or any person/s claiming through or under him from interfering with the peaceful construction activity of the petitioners over the scheduled property bearing No.50-2-36, admeasuring 83 sq.yds., in Sy.No.40 situated at Nakkavanipalem, Gandhinagar of Resapuvanipalem village, Visakhapatnam District, as illegal, arbitrary and unconstitutional and pass such other suitable orders.

5. It is stated that that the petitioners are the owners of the building bearing No.50-2-36, admeasuring 83 sq.yds., in Sy.No.40 situated at Nakkavanipalem, Gandhinagar of Resapuvanipalem village, Visakhapatnam District. It is also stated that the petitioners obtained permission, for construction of residential houses over the schedule property, from the respondent. It is further stated that the

officials of the respondent had been interfering with the peaceful construction of the petitioners over the schedule property.

6. In the facts and circumstances of the case, this Court is of the considerable opinion that the respondent cannot interfere with the construction activity of the petitioners in relation to the subject matter of the Writ Petition, unless and until the procedure under the provisions of the Hyderabad Municipal Corporation Act is followed. In view of the same, the Writ Petition is disposed of directing the respondent not to interfere with the construction activity of the petitioners over the subject matter of the Writ Petition unless and until the procedure as contemplated by the provisions of the Act aforesaid is followed. No order as to costs.

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Justice P.S.Narayana

Note:- Order copy by wire at
Party's costs
(B/o.smr)